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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/579,318

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Tatsuro Iwasaki

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28389

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08/07/2009

THE WEBB LAW FIRM, P.C.

700 KOPPERS BUILDING

436 SEVENTH AVENUE

PITTSBURGH, PA 15219

EXAMINER

SINGH, SUNIL

ART UNIT

PAPER NUMBER

3672

MAIL DATE

DELIVERY MODE

08/07/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/579,318

Applicant(s)

IWASAKI ET AL.

Examiner

Sunil Singh

Art Unit

3672

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 May 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. Claims 1-6 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claim 1 calls for the projecting part and the bearing-plate holding part "having a unitary construction"; however, the originally filed disclosure does not have any basis for such language and therefore, such language constitutes new matter.

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 calls for the projecting part and the bearing-plate holding part "having a unitary construction"; however, it is unclear what the metes and bounds are for the term "unitary".

Insofar the claims are understood, the following rejection(s) apply:

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Skogberg et al. or Skogberg et al. (US 4509889, 4634317) in view of either Hutchins (US 6428243) or Herron (US 4511289)

Skogberg et al. '899, '317 both teach steel pipe rockbolt, comprising a rockbolt main body (11) and a pressurized-fluid-introducing sleeve fixed by welding (see col. 3 lines 3-4, col. 3 lines 5-6) to the rockbolt main body at an end for introduction of a pressurized fluid, wherein the rockbolt main body is configured to hydraulically expand upon the introduction of the pressurized fluid (see abstract, abstract), the pressurized-fluid-introducing sleeve comprising a projecting part (42,42) with an outer diameter larger than a diameter of an aperture of a bearing plate (41,41), and a bearing-plate-holding part (19,19) with an outer diameter smaller than the diameter of the aperture of the bearing plate, whereby the bearing plate is held in contact with a step between the projecting part and the bearing-plate-holding part, the projecting part and the bearing-plate-holding part having a unitary construction, whereby the bearing plate locates on an edge of a rockbolt-setting hole drilled in a bedrock or ground, and the bearing-plate-holding part extends through the aperture of the bearing plate into the rockbolt-setting

hole. Skogberg et al. '899, '317 both disclose the invention substantially as claimed. However, they both lack a pressurized fluid introducing hole on the projecting part. Hutchins and Herron both teach a pressurized fluid introducing hole (see Fig. 2, 18) on a projection part. It would have been considered obvious to one of ordinary skill in the art to modify either Skogberg et al. '899, '317 to include a pressurized fluid introducing hole on the projection part as taught by either Hutchins or Herron in order to provide additional means for injecting fluid to expand the rockbolt.

Re claim 3, it would have been considered obvious to have the rockbolt main body formed from a steel pipe coated with a Zn, Zn-Al or Zn- Al-Mg plating layer since such a modification provides adequate strength and prevent corrosion.

Re claims 4-6, the rockbolt main body has a continuous outer surface defining a hollow cavity that is adapted to hydraulically expand upon the introduction of the pressurized fluid (see Fig. 3, 3).

Response to Arguments

5. Applicant's arguments filed 5/26/09 have been fully considered but they are not persuasive. Applicant argues that the Skogberg references do not teach a projecting part and the bearing-plate-holding part having a unitary construction. The examiner disagrees. In as much applicant's members (12) and (11) are unitary so are members (42) and (19) of the Skogberg references. As pointed out in applicant's specification page 6, member (11) and (12) are individually formed from two pipes; therefore, if this qualifies as unitary construction then so is individually formed members (19) and (42) of the Skogberg references.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sunil Singh whose telephone number is (571) 272-7051. The examiner can normally be reached on Monday through Friday 10:30 AM - 7:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bagnell can be reached on (571) 272-6999. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Sunil Singh/
Primary Examiner, Art Unit 3672

Sunil Singh
Primary Examiner
Art Unit 3672

SS

8/3/09